



Ravalli County Planning Department
215 S. 4th Street, Suite F
Hamilton, MT 59840
Phone (406) 375-6530
Fax (406) 375-6531
www.ravallcounty.mt.gov/planning

SUBDIVISION EXEMPTION GUIDE

Purpose

The goal of this document is to provide information and answers to frequently asked questions regarding subdivision exemptions. For answers to any questions not addressed in this document, please refer to the Ravalli County Subdivision Regulations (available for purchase in the Planning Department or on our website at www.ravallcounty.mt.gov/planning) or inquire at the Planning Department.

Types of Subdivision Exemptions

The Montana Subdivision and Platting Act (MSPA) allows for certain divisions of land to be exempt from local subdivision review unless the use of the exemption is determined to be an attempt to evade the MSPA. The most common exemptions requested include:

- Relocation of a Common Boundary: A division of land to change the location or elimination of a boundary line between adjoining properties. No additional parcels may be created.
- Family Transfer: A division of land for a single gift or sale to members of the landowner's immediate family (spouse, parents, or biological or adopted children).
- Agricultural Covenant: A division of land for agricultural use only.
- Mortgage Release: A division of land to provide security for mortgages, liens, or trust indentures for the purpose of construction, improvements to the land being divided, or refinancing purposes.

The Subdivision Exemption Process

Step 1. Preliminary Investigations

Before submitting an application, Staff recommends visiting the County Clerk & Recorder's Office (Administrative Building, 215 S. 4th Street, Hamilton) to check if there are any covenants or Voluntary Zoning District Standards associated with the property, and how, if at all, they affect the proposed use of the exemption. Although it is not required prior to approval, the applicant may wish to visit the Ravalli County Environmental Health Department, also in the Administrative Building, to find out the feasibility of septic systems and wells.

Some subdivision exemptions are exempt from surveying. However, many exemptions do require a survey to be filed with the County. Given the technical nature of surveys and wastewater requirements, the applicant will normally hire one or more consultants to assist in the process. Consultants who are familiar with the requirements can be a valuable asset and can be found by using a local phone directory. You may wish to call several consultants and compare their expertise, fees, and availability.

Step 2. Application Submittal

Once the applicant determines that the project meets the requirements set forth in the regulations, he or she should submit a completed application and fee to the Ravalli County Planning Department for review. Applications are available at the Ravalli County Planning Department or online (www.ravalliacounty.mt.gov/planning). After the application is submitted, research will be done to confirm proper usage of the claimed exemption.

Step 3. Public Meeting and Decision

The Planning Department will notify the applicant and his or her agent (if he or she has one) by mail with the time and date of the public meeting. At the meeting, the Planning Department and Clerk & Recorder will review the proposal and announce a decision. After the meeting, the Planning Department will mail the decision letter to the applicant.

Step 4. File Final Survey

The approval letter will list the required steps needed to file the final survey. A sample list is also available in the Subdivision Regulations. For further questions about recording, including recording fees, please contact the Clerk and Recorder's Office (375-6555).

Frequently Asked Questions

Must I attend the public meeting?

Neither the applicant nor his or her agent must attend the meeting; however, it is highly recommended that both parties attend. The public is also invited to attend.

How much will the exemption process cost?

It depends on what type of exemption you are requesting. The application fee for all exemptions is \$200.00. If the exemption requires a survey, you will need to pay a surveyor. Other costs may include DEQ or Environmental Health review and filing fees.

Will I be required to upgrade any internal or external roads?

No. Subdivision exemptions are exempt from meeting subdivision design standards, including road paving.

How long will my approval be valid?

Approved exemptions are valid for one year. If the exemption will not be filed in that timeframe, you may request a one-year extension by submitting the request to the Planning Department in writing *before the original approval expires*. Should an approved exemption expire, the applicant will be required to resubmit the request, including fees.

What are the general criteria for a family transfer?

A family transfer is a gift or sale of a property to a spouse, parent, or child. The property cannot be within a platted subdivision. (To see if your property is within a platted subdivision, please visit the Clerk & Recorder's Office.) If the family transfer is approved, the gifted parcel is requested to be held by the recipient for at least three years after creation of the tract. If there is an attempt to convey the land before three years, the sale will be more heavily scrutinized and the Clerk and Recorder's Office may refuse the conveyance.

What are the general criteria used to determine if a proposal is attempting to evade the MSPA?

The governing body will consider the surrounding circumstances, including:

- a. The nature of the claimant's business,
- b. The prior history of the particular tract in question,
- c. The proposed configuration of the tracts if the proposed exempt transaction is completed,
- d. Any pattern of exempt transactions that will result in the equivalent of a subdivision without local government review, and
- e. The rebuttable presumptions for specific exemptions as outlined in the following sections of Chapter 4 of the Subdivision Regulations. A rebuttable presumption refers to identifiable conditions that, when they exist, require further consideration to determine whether or not an exemption request is an evasion of the MSPA.

For Further Information

For more information please refer to the Ravalli County Subdivision Regulations or contact:

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